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Veterans Courts Offer Second Chance

At least 20 states have some 50 special courts that give consideration to an offender's war record before sentencing.

The American judicial system is showing compassion toward war veterans.

BY FRED MINNICK

More than 50 "veterans treatment courts" have surfaced across the country. First established in Buffalo, N.Y., in 2008, veterans courts allow qualifying veterans to undergo therapeutic rehabilitation outside of prison.

Veterans court proponents, like Sen. John Kerry (D-Mass.) and Pennsylvania Supreme Court Justice Ronald D. Castille, believe the veterans court system could be an answer to a serious societal problem. They say that crimes are sometimes symptoms of wartime trauma, and that the court system

should account for veterans' sacrifices.

Opponents say veterans deserve no special treatment. They say these courts are soft on crime, according to attorney J. Kim Wright, who is the publisher of *CuttingEdgeLaw.com* and is working on a documentary about veterans courts.

"Some prosecutors say veterans need to suck it up and fit back into society," Wright says.

However, momentum is leaning toward the current veterans court model.

U.S. Attorney General Eric Holder, retired generals, renowned judges and even mainstream media, like *Newsweek*, have all spoken in support of veterans courts.

Judges like James P. Daley, a retired Wisconsin National Guard brigadier general, of Rock County Circuit Court, who have faced high numbers of Iraq and Afghanistan veterans

Above: Veteran Dad Porter waves his "graduation" certificate after completing a nine-month program through Kansas City's Veterans Court. Presiding Judge Ardie A. Bland honored five other such veterans during a December 2010 court session (see sidebar at right).

guilty of committing alcohol- and drug-related crimes, have publicly campaigned for their fellow circuit court judges to adopt veterans courts.

"I believe it is incumbent upon us to do all that we can to provide these returning veterans with access to treatment necessary to fully return them to their families and civilian occupations with a decent chance for long-term recovery and return to normalcy," Daley wrote in *The Wisconsin Defender*.

"For me, this means we must create a bridge between the services already provided to veterans by the VA and to the local and state courts that deal with the effects of a veteran's negative interaction with his community."

Who Qualifies?

In July 2008, Kerry and Lisa Murkowski (R-Alaska) introduced the *Services, Education and Rehabilitation for Veterans (SERV) Act* to create veteran drug treatment courts, which would have created one federal system. But Congress took no action and it never became law. Thus, states mostly foot the bill for funding these courts.

Meanwhile, individual court districts were creating veterans courts under the "problem-solving courts" model that was established in 1989 in Miami, Fla.

Each court has its own parameters for veterans qualifying.

In the three California veterans courts, veterans must have committed an offense as a result of post-traumatic stress disorder (PTSD) and/or traumatic brain injury in order to qualify.

Once in the system and overseen by a mentor, the court's mission is to provide

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Veterans Court Founder

Judge Robert T. Russell, Jr., established the first veterans court in Buffalo, N.Y., in 2008. VFW honored him with its James E. Van Zandt Citizenship Award in 2010.



Kansas City Veterans Court Sows Seeds of Success

By Robert Widener

The veterans court in Kansas City, Mo., is a good example of cooperation between municipal courts and VA. Most important, the program keeps veterans with minor offenses out of jail.

According to Kelly Winship, veterans justice outreach coordinator with the Kansas City VA Medical Center, veteran-offenders with misdemeanor charges such as public drunkenness, drug possession or a city ordinance violation can opt for the nine-month program in lieu of being behind bars.

"There are three phases to the program and the veterans must appear before a judge one to two times a month to check on their progress," said Winship. She added that VA covers the court costs, thus saving the city money.

Winship says that each veteran must first complete a physical and psychological assessment. Identifying needs such as medical, housing, employment, substance abuse or mental health helps to individualize a treatment plan. From there, the vet may be required to undergo random drug screenings, attend community support programs like Alcoholics Anonymous meetings, or agree to substance abuse or mental health counseling.

Veterans also are assigned a mentor who serves as a liaison between the

court and VA. Mentors directly monitor the veteran's progress so he or she stays on track.

"We currently have about 60 veterans in the program," said mentor coordinator George Johnson, a 22-year Army veteran. "That's about 10 more than we normally can handle, but we just couldn't turn them away."

But it's up to the veteran to be responsible and check in with his mentor, or face the consequences at his court appearance.

Presiding over the Kansas City Municipal Court is Judge Ardie A. Bland. As each veteran stands before him, he reviews progress reports, probing any problems that may have come up. Most participants have good reports, but any setbacks, such as being laid off from a job or failing to get a driver's license, get special attention. Overall, though, Bland adds another layer of encouragement to the whole process.

"You can do it," he told one veteran at a recent court appearance. "We didn't give up on you, so don't give up on yourself."

It is that kind of support that has made the veterans court in Kansas City so successful. Of the 20 veterans who have completed the program since it began in August 2009, none have been arrested for another crime.

Veterans Courts Currently Operating

Alabama Montgomery	Georgia Muscogee County	Missouri Kansas City	Philadelphia Scranton
Alaska Anchorage	Illinois Cook County	St. Louis	Texas Dallas County
Arizona Tucson	(4 vet courts)	Nevada Washoe County	El Paso County
Arkansas Lonoke County	Louisiana Madison County	New York Amherst	Harris County
California Los Angeles	Michigan New Orleans	Buffalo	Nueces County
Orange County	Detroit	Brooklyn	Tarrant County
San Bernardino	Ingham County	Rochester	Travis County
Santa Clara	Ionia	Ohio Mansfield	Washington Pierce County
Tulare County	Oakland County	Oklahoma Creek County	Spokane County
Ventura County	Traverse City	Tulsa	Thurston County
Colorado Colorado Springs	Minnesota Hennepin County	Pennsylvania Allegheny County	Wisconsin Lacrosse County
			Rock County
			Waupaca County

non-adversarial treatment for combat veterans in the criminal justice system over an 18-month period. This treatment has worked so far.

In the original Buffalo Veterans Court, 90% of offenders completed a similar program without repeating their illegal behavior.

But many veteran advocates believe the system is inconsistent and ignores the one class of veterans who need it most: those who commit violent crimes.

Violent Offenders

Some courts only consider non-violent offenders, such as drunk drivers or drug violators.

But it's the violence-prone who need the veteran courts most, says Robert Alvarez, a former Marine and Colorado-based psychologist with the Wounded Warrior Project.

"The courts seem to cherry-pick the cases they want to put in veteran courts," Alvarez says. "We stood these courts up to help young men and women who have uncharacteristically done some-

thing criminal as a result of their injuries from the battlefield."

Alvarez says some courts only want to take on "kinder" crimes, like selling drugs or stealing a loaf of bread from a 7-Eleven.

One of his clients assaulted a woman talking on a cell phone during a flashback. In Iraq and Afghanistan, cell phones are used to trigger improvised explosive devices.

"Here was a guy who had served in Iraq and had a bad case of PTSD," Alvarez said. "One night he's out at the pool hall with buddies and not intoxicated. He looks across the street and sees a lady on a cell phone in her vehicle. He goes into a flashback and runs over to the vehicle screaming: 'Get out, put the cell phone down! Put the cell phone down!' He's got a pool cue, assaults her and smashes her to the ground."

Alvarez said the woman was not seriously injured, but was emotionally upset. But she objected to the veteran going to a veterans court.

"This is a classic case of a war-injured combat veteran acting out because of his injury," Alvarez contends. "And the DA, because his victim objected, said no [to the veterans court]. These men and women are damaged because of their service to their country. They deserve this chance in spite of what some victim might say or object to."

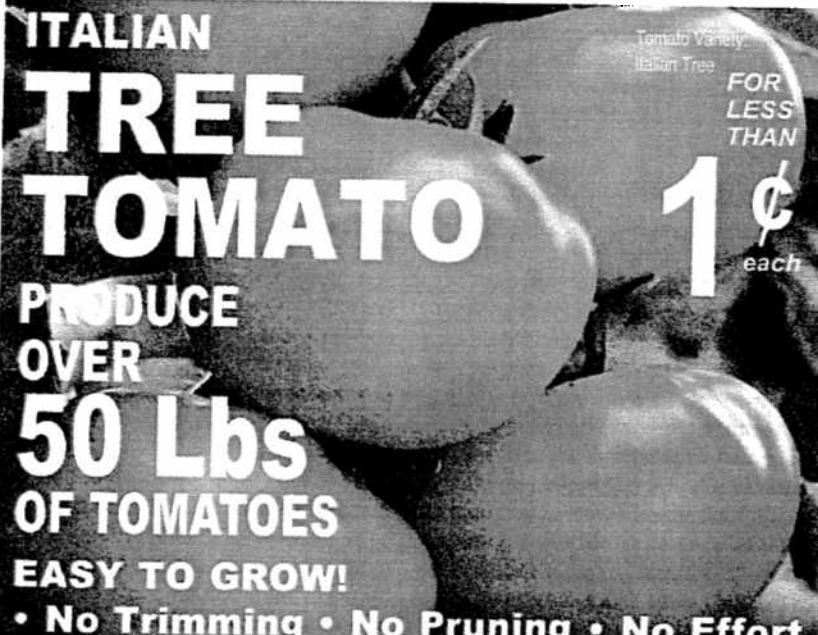
Alvarez believes veterans deserve treatment not punishment. That's the disconnect in the court system, according to the psychologist.

"I've had so many cases of guys who have gone to prison," Alvarez says. "Prisons are full of mentally-ill and drug-addicted war veterans. These populations are treatable, a high percentage of them, if we took the approach of rehabilitating them rather than incarcerating them."

"But we'd rather spend \$60,000 or \$70,000 a year keeping an individual locked up in a state prison, than spend \$20,000 or \$30,000 a year getting someone the help they need to become productive citizens in society."

FRED MINNICK is an Iraq War vet and freelance writer based in Kentucky.

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